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New York

President: Ms. Al Khalifa ..... (Bahrain)

The meeting was called to order at 10.25 a.m.

Agenda item 68

Report of the Human Rights Council (A/61/53)

The President: Under agenda item 68, the Assembly has before it the annual report of the Human Rights Council circulated in document A/61/53.

In connection with this item, I would like to recall that the General Assembly, on the recommendation of the General Committee, decided at its 41st plenary meeting, on 26 October 2006, to consider agenda item 68 in plenary meeting and in the Third Committee, on the understanding that the Third Committee would consider and act on all recommendations of the Human Rights Council to the Assembly, including those that deal with the development of international law in the field of human rights. Taking this decision into account, the Assembly will consider in plenary meeting the annual report of the Human Rights Council on its activities for the year.

This division of work was agreed upon with the understanding that this arrangement is motivated by the fact that the Human Rights Council only began its work in June 2006. It is also understood that the current arrangement is in no way a reinterpretation of General Assembly resolution 60/251 and will be reviewed before the beginning of the sixty-second session of the Assembly, on the basis of the experience gained with the efficiency and practicality of this arrangement.

Upon the conclusion of the debate in plenary on this item, the General Assembly will revert to this agenda item in the context of its consideration of the report of the Third Committee.

The Assembly will now start its consideration of the annual report of the Human Rights Council on its activities for the year.

Before proceeding further, I would like to consult members about inviting the President of the Human Rights Council to present the first annual report of the Council. Bearing in mind the provisions of the General Assembly decision on the allocation of the item and without setting a precedent, may I take it that it is the wish of the General Assembly to invite the President of the Human Rights Council to present the first annual report of the Council?

I see no objection.

It was so decided.

The President: We shall proceed accordingly. In accordance with the decision just taken and without setting a precedent, I now give the floor to Mr. Luis Alfonso de Alba, President of the Human Rights Council, to present the report of the Council.

Mr. de Alba (*spoke in Spanish*): It is an honour for me to present to the General Assembly the report on the work of the Human Rights Council during the period since its historic creation on 15 March 2006 in accordance with resolution 60/251 of this General Assembly.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

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At the outset, I should like to refer to the steps taken by the Human Rights Council in carrying out its mandate in its first year. Secondly, I shall address some of the challenges that the international community has to face in order to strengthen the Council, which, as set forth in the resolution to which I have referred, is

> "responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner" (*resolution 60/251, para. 2*).

The Council held its first regular session from 19 to 30 July and has since held two special sessions on 5 and 6 July and 11 August, respectively. It met again in regular session from 18 September to 6 October, and the session will be resumed on 27 November. A third regular session will be convened immediately following the conclusion of the second and before the end of the year.

At the Council's first session, a number of high-level meetings were held with the participation of more than 85 personalities, representatives of civil society and national institutions, and parliamentarians. That broad-based high-level participation reflects the importance that States and the various institutions of the United Nations system and the international community in general attach to the new body, as well as the high expectations it has generated.

The Council received the report of the High Commissioner for Human Rights, Ms. Louis Arbour. Interactive dialogues were also convened on a variety of themes, with the wide-ranging participation of member States, as well as of observers and representatives of civil society.

In the context of the dialogue and interaction with the special human rights instances and mechanisms, the Council had an exchange of views with the Chairperson of the Coordination Committee of special procedures, the Vice-Chairperson of the fifty-seventh session of the Sub-Commission on the Promotion and Protection of Human Rights, and the Chairperson of the eighteenth meeting of the chairpersons of the human rights treaty bodies.

Similarly, the Council held discussions on such questions the situation of human rights in Palestine and the other occupied Arab territories; support for the Darfur Peace Agreement: backing efforts for the strengthening of the promotion and protection of human rights; avoiding incitement to hatred and violence for reasons of religion or race through the promotion of tolerance and dialogue; the human rights of migrants in the context of the High-Level Dialogue on International Migration and Development; and the role of human rights defenders in promoting and protecting human rights.

The Council adopted a resolution on the situation of human rights in Palestine and the other occupied Arab territories, and another on incitement to racial and religious hatred and the promotion of tolerance.

With regard to the Council's work on the development of international law in the sphere of human rights and its consideration of specific issues, the Council adopted and recommended for adoption by the General Assembly an international convention for the protection of all persons from enforced disappearance and a draft United Nations declaration on the rights of indigenous peoples.

Furthermore, a decision was made to extend the mandates of three working groups in that area, namely, the Open-ended Working Group established with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights; the Working Group on the Right to Development; and the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action.

With regard to measures in implementation of paragraph 6 of resolution 60/251, the Council decided to extend exceptionally for one year the mandates and the mandate holders of all the special procedures of the Commission on Human Rights, of the Sub-Commission on the Promotion and Protection of Human Rights, as well as the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII). That will allow the procedures to continue until the end of the review process. Moreover, the Secretary-General and the High Commissioner for Human Rights will be able to submit to the Council all reports and studies that may have been requested by the former Commission on Human Rights during the fourth session and to update them in response to developments, as required. With those measures, the Council is seeking to avert a vacuum in human rights protection during the transitional period.

Furthermore, the Council established an open-ended intergovernmental working group to formulate concrete recommendations on the issue of reviewing and, where necessary, improving and rationalizing all mandates, mechanisms, functions and responsibilities in order to maintain a special procedures system, specialized assessments and a claims procedure. The working group will report to the Council periodically in order to complete the review of mandates in June 2007.

The General Assembly decided that the Council should also conduct a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments. It also decided that the Council shall develop the modalities and necessary time allocation for the universal periodic review mechanism within one year.

At the end of its mandate, the Human Rights Council established an intersessional open-ended intergovernmental working group to consult on and consider the various proposals in that regard. In that connection, the Council requested substantive contributions from the Office of the United Nations High Commissioner for Human Rights, which are essential to designing a well-founded mechanism. The creation of a universal periodic review mechanism, as defined by the General Assembly, is undoubtedly one of the most complex and urgent tasks in the institutional building of the Council.

The Human Rights Council has the challenge of consolidating itself and of proving itself capable of meeting the international community's expectations. During this transitional period, we have therefore adopted many of the effective practices of the Commission on Human Rights when we have felt it appropriate to do so. At the same time, we have stressed the need to be creative and innovative in all areas where we need to be so. That will help us to design new machinery for the promotion and protection of human rights.

We have another important challenge. That is the manner in which the Council will address human rights violations, including grave and systematic violations and emergency situations involving human rights, as well as the manner in which it will carry out its preventive tasks, in accordance with the mandate conferred by the Assembly in resolution 60/251.

The Council has held two special sessions to date. The first addressed the human rights situation in the occupied Palestinian territory, and the second addressed the grave situation of human rights in Lebanon caused by Israeli military operations.

The outcome of the first special session was the adoption by the Council of a resolution to dispatch an urgent fact-finding mission headed by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. Regrettably, the mission has not yet been able to get under way.

In the second special session, a high-level commission of inquiry was created, consisting of three internationally recognized and prestigious individuals. The commission has already begun its visits on the ground and is ready to conclude its work. The Commission will submit its report to the Council at its third regular session.

It is noteworthy that during the second session, now under way, it was possible to develop a constructive dialogue with a very high number of special procedures and with representatives of other human rights mechanisms under a new format. That led to better and richer participation on the part of Member States and observers as well as of representatives of civil society and national human rights institutions. A generic resolution was adopted allowing for continuity in the work under way, and it is hoped that a body of decisions and resolutions submitted by Member States will be adopted by the end of this month, when that session concludes. Thus we can safely say that the work of institution-building has not resulted in any protection vacuum and that the system as a whole is continuing to function.

After a year, the Council's should have transparent, fair and impartial methods of work, which will enable genuine dialogue and be results-oriented, as set out in paragraph 12 of resolution 60/251.

Likewise, it will have to pay due attention to the implementation of its decisions, and, in that connection, I would note that we have already taken substantive steps forward in that direction by following up, at each of our sessions, the decisions adopted by the Council.

Likewise, the Council will have to agree on an agenda that is in keeping with the General Assembly's

decision to promote universal respect for the protection of the human rights and fundamental freedoms of all persons, in the context of an annual cycle of meetings that will enable the Council to consider, in an orderly and rational manner, all of the issues under its purview. The idea is to avail ourselves of the possibility of meeting on several occasions throughout the year, staggering consideration of certain items and following up regularly on all mandates, and of reacting more quickly to events as they occur. We will also have to develop new rules of procedure to promote the orderly progression of our work.

Before concluding, I would note that the mandate and nature of the Council, as well as the pressing tasks before it — that is, consideration of various substantive items as well as its own institutional development — require that the Council have at its disposal the tools and resources necessary to its consolidation and to carry out its functions properly. Likewise, I deem it important to take an innovative, open and positive approach to the various issues before the Council so as to achieve a true reform of the human rights system.

Building a new institution that meets the expectations of the international community will certainly require the committed participation of each and every one of the States Members of the United Nations as well as the commitment of all of those stakeholders that are directly or indirectly involved, in order to provide it the conditions and the support that it requires to establish itself. This is not an easy task and cannot be accomplished by mere expressions of goodwill. We must intensify efforts and reach agreement on complex issues.

I believe that we have made a great deal of progress and that by June of next year we will be in a position to achieve the goals that have been set for us.

Ms. Lintonen (Finland): I have the honour to speak on behalf of the European Union (EU). The acceding countries Bulgaria and Romania, the candidate countries Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia and the European Free Trade Association (EFTA) country Norway, member of the European Economic Area, as well as the Republic of Moldova, align themselves with this declaration.

The EU warmly welcomes the report of the Human Rights Council presented by the President of the Council, Ambassador De Alba. The EU appreciates Ambassador De Alba's work as President of the Council and wishes to express to him its full support.

The creation of the Human Rights Council provides new opportunities to promote and protect human rights. The first report of the Council, now before the General Assembly plenary, provides a chance to reflect on the beginning of the work of the Council. We welcome this opportunity to present our views on the first report of the Human Rights Council. In accordance with the General Assembly decision on the allocation of this item, the account of the recommendations of the Human Rights Council to the General Assembly will be given at a meeting of the Third Committee later today.

During its first session, the Human Rights Council held a discussion on issues identified by the Member States and observer States of the Council. The Council addressed the situation of human rights in the occupied Palestinian territories, religious intolerance, the human rights of migrants, the role of human rights defenders, and the situation in Darfur after the signing of the Abuja Peace Agreement. The EU welcomed the opportunity for an exchange of views on those important issues. The EU regrets that the Council was not able to adopt substantive decisions on all those topics.

The Council also continued the work already begun by the Commission on Human Rights. Resolutions were adopted on the Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights, on the Right to Development and on the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action.

The two recommendations of the Council to the General Assembly, the draft resolutions on the International Convention for the Protection of all Persons from Enforced Disappearance and on the Declaration on the Rights of Indigenous Peoples are to be further considered in the Third Committee later today. As their final adoption is for the plenary of the General Assembly, the European Union wishes to express its full support for the two texts aimed at strengthening the promotion of human rights within the United Nations system and calls for their prompt

adoption by the General Assembly at its sixty-first session, as recommended by the Human Rights Council.

The EU also warmly welcomed the dialogue with the High Commissioner for Human Rights, Mrs. Louise Arbour, during the first session of the Human Rights Council. The EU reaffirms its firm support for the work and independence of the High Commissioner and her Office, which is making a crucial contribution to the promotion and protection of human rights worldwide. Apart from other important functions, an active role is crucial on the part of the High Commissioner in contributing to an effective and operational Human Rights Council.

The EU wishes to reiterate its commitment to an open and constructive dialogue among all stakeholders, including the valuable contribution of non-governmental organizations on various human rights questions in the framework of the Human Rights Council. We all should continue our efforts towards a constructive dialogue on all issues, including the most difficult questions. We welcome similar efforts to promote dialogue made by a number of other delegations.

In accordance with resolution 60/251, the first session of the Human Rights Council decided to extend all the mandates, mechanisms, functions and responsibilities of the Commission on Human Rights, which were thus assumed by the Human Rights Council. That important consensus step prevented a protection gap during the Council's transitional year. As the system of special procedures is crucial to ensure the effective promotion and protection of human rights, the EU firmly believes that in the context of the review process the system should be further strengthened. All States should fully cooperate with special procedures in order to contribute to their effective functioning and to translate the dialogue with special procedures into operational outcomes.

Other positive steps concerning the future work of the Council, such as the decision to establish a working group to develop the modalities of the universal periodic review, were also taken during the first session, in accordance with resolution 60/251. The EU expects the universal periodic review to develop into a meaningful mechanism complementing other forms of activity of the Human Rights Council related to country situations, and to bring real added value. The EU will continue to play an active role to that effect.

The EU emphasizes the importance of making progress on those two important issues in a timely manner. In the meantime, the EU looks forward to working with all stakeholders in a constructive and consensual manner in the framework of the working groups.

The EU believes that special sessions of the Council are a way to make an efficient contribution to the protection and promotion of all human rights for all. It is important that the Human Rights Council address urgent situations and express a united view. This will require genuine discussion and consultations.

At the first special session, on the situation in the occupied Palestinian territory, the European Union expressed its concern about the situation which had evolved between Israel and the Palestinians and called on all parties to abstain from any actions that violated international humanitarian and human rights law. The second special session took place following the escalation of hostilities in Lebanon and Israel. The EU deplored the loss of innocent lives and called for an immediate cessation of hostilities, to be followed by a sustainable ceasefire.

The EU would have preferred the Council to have adopted texts addressing the situation in a more balanced manner, reflecting all relevant aspects of the crises, and it regrets that no genuine discussions took place, as provided for in resolution 60/251.

It is important that the Human Rights Council effectively fulfil its mandate relating to prevention and address situations of human rights violations worldwide. The EU is also determined to work towards those goals with all stakeholders when the second session of the Human Rights Council is resumed and at the forthcoming third session of the Human Rights Council.

Mrs. Ferrari (Saint Vincent and the Grenadines): I have the honour to make this brief statement on behalf of the States members of the Caribbean Community (CARICOM).

CARICOM member States wish to thank the President of the Human Rights Council, Ambassador Luis Alfonso de Alba, for his statement. We would like to take this opportunity to congratulate Ambassador De Alba on his election as the first President of the

Council. CARICOM member States consider it a great honour for the Latin American and Caribbean Group that the States members of the Council agreed to designate a member of our Group as the first President of the Human Rights Council. We are also pleased to note the decision that the composition of the Bureau will fully respect the principle of equitable geographical distribution.

We would like to extend our congratulations to all those elected as members of the Bureau and to the membership of the Human Rights Council as a whole for undertaking the challenge of revamping and strengthening the United Nations human rights machinery with the aim of ensuring the effective enjoyment by all of all human rights: civil, political, economic, social and cultural rights, including the right to development.

In this context, we note the progress made during the first session of the Human Rights Council towards the implementation of 60/251, particularly with the establishment, at its first session, of two open-ended intergovernmental working groups to address, respectively, the universal periodic review and institution-building.

For CARICOM member States, the core of the work of the Human Rights Council is the establishment of a cooperative mechanism for the promotion of human rights, serving as a vehicle for the promotion of genuine cooperation for capacity-building and mutual assistance. We endorse the view expressed by the Secretary-General that the Council's work should mark a clean break from the past; that should be apparent in the way it develops and applies the universal periodic review mechanism.

CARICOM is of the view that the development of a universal periodic review that is impartial and applicable to all States will usher in a new era of international cooperation on human rights matters. The work of the Human Rights Council working group tasked with the development of modalities, as well as the allocation of sufficient time for the review, are critical. We note the decision of the Council to hold informal consultations through an open-ended consultative process in order to compile proposals and relevant information and experiences.

As the Human Rights Council discharges its mandate, we must always be mindful of the need to ensure that it caters not to political agendas but rather to humanity, and particularly those who have been denied their rights. If we maintain this perspective, then the Council should be able to promote and protect the highest ideals and standards of human rights.

Mr. Skinner-Klée (Guatemala) (*spoke in Spanish*): We would like, first of all, to join with those who have expressed gratitude to Ambassador Luis Alfonso de Alba, President of the recently created Human Rights Council, for having accepted the invitation of the General Assembly and the Third Committee to introduce the report of the Council (A/61/53) and to discuss, in two parts, something which — in the view of my delegation — should have been discussed at one plenary meeting of the General Assembly, such as this morning's. We understand that the division of labour makes it possible to accommodate the various positions of delegations, and we accept it this year, on the understanding that this not constitute a precedent for the future consideration of the work of the Human Rights Council.

Given the importance of the role of the United Nations in the area of the promotion and protection of human rights, we believe that when the General Assembly receives and discusses the annual report of the Human Rights Council, its consideration will not become merely a symbolic act or an annual ritual. Rather, it must be a working tool that allows the General Assembly, in an exhaustive and complete manner, to fulfil its role as supervisor of the work and policies adopted by the Human Rights Council.

It is imperative that we move forward in consolidating the Human Rights Council, a body which we have accorded the responsibility to promote universal respect for all human rights and fundamental freedoms of all persons. That is why, when we consider its report, we must accord it the importance that it merits; our consideration must be comprehensive. The submission of the report and our consideration of it constitute the main link between the General Assembly and the Human Rights Council. As for the report itself, we hope that it will not be merely descriptive or overly long but, rather, that it will contain assessments that will enable all States Members of the Organization to understand and assess the Council's work. The report should highlight developments with respect to achievements in the area of human rights and present observations regarding situations in which such rights have been violated.

Given that the Human Rights Council was recently created and that it is still in the organizational stage of its endeavours, some delegations were concerned to hear the President's account of what took place during the first regular session and the first two special sessions. We acknowledge that, of those, only the first session concerned the regular work of the body. During that session, two important resolutions recommended by the Council were adopted: the International Convention for the Protection of All Persons from Enforced Disappearance; and the United Nations Declaration on the Rights of Indigenous Peoples, which we will consider this afternoon in the Third Committee. We are aware that the Council President may not need to report personally to the Assembly every year for the consideration of each and every item.

As a member of the Human Rights Council, Guatemala recognizes that crucial tasks remain unfinished: the ongoing reform of its working methods and the fulfilment of the lofty ideals for which it was created. All of that requires time and dedication to carry out the Council's mandate as well as a responsible, constructive, transparent and inclusive dialogue among its members.

We support the decision to extend exceptionally for one year the mandates and the mandate holders of all the special procedures of the Commission and of the Sub-Commission on the Promotion and Protection of Human Rights, as well as the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII). We also welcome the establishment of the intersessional open-ended intergovernmental working group to determine the modalities of the universal periodic review mechanism, which will have to be based on a transparent, objective and impartial methodology designed to permit genuine dialogue and to avoid selectivity, double standards and politicization.

Finally, I wish to express my delegation's satisfaction with the work accomplished thus far by the Human Rights Council. My Government is convinced that strengthening the Council and promoting universal respect for the protection of all human rights and fundamental freedoms will undoubtedly pave the way for peace and security throughout the world without distinctions of any kind and in a just and equitable manner.

Ms. Hughes (United States of America): Since the founding of the United Nations and the establishment in 1946 of the Commission on Human Rights, the United States has led efforts to promote and protect human rights. We remain true to our fundamental belief in and pursuit of human rights, both at home and around the globe.

It was in that spirit that the United States engaged in the negotiations to create a new, stronger successor body to the Commission on Human Rights. We sought to set the highest standards for membership in the new body and to provide it with the tools it would need to make a real and significant difference in the promotion and protection of human rights. While the results of the negotiations fell short of our hopes, the United States nevertheless committed itself to working cooperatively with members of the Human Rights Council and with other partners to help shape the Council into a mechanism that could meet the high expectations of countries and, most especially, of victims of abuse.

The Council has gotten off to a slow and discouraging start. Some say that that is due in part to the growing pains of a new institution. That is not an excuse; it is not reason enough to allow the Council to become sidetracked from its reason for being. It is up to the members of the Human Rights Council to exercise the political will and determination — and to have the intellectual honesty — to make the Council into the body that it is supposed to be.

The first two regular sessions of the Council haltingly began the work of laying the foundations for the Council's work, but much remains to be done. Our greatest disappointment lies, however, in the Council's failure to pronounce itself equitably and forcefully on serious human rights situations that endanger persons in various regions of the world.

To date, the Council has accomplished little that will make a concrete and significant difference in the lives of millions around the world who are prevented from enjoying and exercising their rights. It has failed to reach agreement to address egregious violations of human rights in places such as the Sudan. In this time of tension among peoples of different faiths and cultures, the Council has also missed the opportunity to promote a dialogue to increase understanding and tolerance among religions and cultures. The Council could reaffirm — and should have reaffirmed —

fundamental rights such as freedom of thought, conscience, religion and association.

As the Council approaches its third regular session, we are faced with yet another call for a special session on the situation in the occupied Palestinian territories. This will be the third such session in less than a year of the Council's operation. Some States seem to view the Council as just another arena in which to play political games, and not as a vehicle for advancing the cause of human rights or for giving redress to the victims of abuse.

The Council has two sessions remaining in this first transitional and critical year. If it is to meet the expectations and hopes of people all over the world, its members must seize the opportunity presented to them to shape it and set it on the right path. They have a responsibility to build a Council that can truly protect and promote human rights around the world. Sadly, so far, the Human Rights Council, into which was put so much hope and work, has been a disappointment. We can only hope, and work to help ensure, that it reverses course and fulfils the purpose for which it was created.

Mr. Abdelaziz (Egypt): Permit me at the outset to express my delegation's deep appreciation to Ambassador De Alba, President of the Human Rights Council, for his report (A/61/53) and for his diligent leadership of the Council. We believe that, under his capable leadership, the Council will be successful in fulfilling its mission and will be able to overcome the difficulties preventing the attainment of its objectives.

We have replaced the Commission on Human Rights with the Human Rights Council. That was an important step aimed at eliminating all the problems that troubled us — problems related to the way in which the international community dealt with human rights issues as a result of politicization, double standards and selectivity. It was hoped that that step would gear international political will towards overcoming those difficulties.

In that regard, we need to develop a clear vision as to how the new Council will deal with various aspects of the issue of human rights. In the view of my delegation, that starts with revising the means by which countries' specific draft resolutions are dealt with both in the Human Rights Council and in the General Assembly. There is a need for a firm stand against draft resolutions that are not based on objective and unequivocal evidence of systematic violations that truly require the attention of the international community.

On the other hand, we need the Human Rights Council to take firm decisions against grave and systematic violations of human rights, such as those committed in the Palestinian territories and Lebanon, and to take such decisions by consensus, not by divisive votes. For us, condemning and deploring alone do not work — it is not enough.

We need to establish the ground rules for a meaningful relationship between the Council and the General Assembly, particularly the Assembly's Third Committee. That was the fundamental reason why the Commission on Human Rights was detached from the Economic and Social Council and replaced by the Human Rights Council, to become a subsidiary body of the General Assembly.

Therefore, any attempt to have the Council take over the role of the Third Committee will eventually fail, since that would go against the will of the majority of this body. It is therefore not only necessary, but also in the interests of coherence, that the Council report all of its recommendations, including its resolutions and decisions, to the body that is institutionally responsible in that regard — namely, the Third Committee and, subsequently, the General Assembly.

We are fully confident that, in dealing with human rights issues, the Council will overcome inherited problems. In this regard, my delegation believes the following steps to be of the utmost importance.

First, we must institutionalize dialogue and cooperation, not confrontation, as a means of tackling human rights issues, with due regard for the diversity of cultures and civilizations. This requires us not only to expand the scope of the work of the Council to encompass dialogue and interaction with States, but also to pool our technical and financial resources to enable Member States to fulfil better, on their own, their obligations in promoting and protecting human rights and fundamental freedoms.

Secondly, there is a need to maintain a healthy and interactive relationship between the Council on the one hand and the Third Committee on the other, since the latter is the only international forum in the field of human rights in which all Member States are represented. It was on the basis of that belief that we

have extended an invitation to the President to hold annual interactive dialogues with Third Committee members.

Thirdly, we also need to provide the Council with the financial, administrative and technical resources it needs to perform its task, as well as to ensure implementation, so that it is not faced with financial constraints or technical problems, such as those that it is now facing. Our support for the Human Rights Council in this regard should not be less than our support for the Commission on Human Rights.

Fourthly, it is imperative to successfully complete the stage of transition from the Commission on Human Rights to the Human Rights Council by updating the mandates of the entire galaxy of committees, commissions, working groups and institutions in such a way that the interests of all States and the diversity of the thematic issues on the agenda are preserved and maintained.

Fifthly, we must coordinate our efforts so as to ensure that equal importance and attention are given to all aspects of human rights so as to avoid selectivity and prioritization.

In conclusion, I would like once again to welcome the President of the Human Rights Council and to wish him and the members of the Council all the best in their future endeavours aimed at promoting a better understanding of and an international dialogue on human rights issues and to overcome all the problems pertaining to the establishment of the Council. My delegation will further study the contents of the report and present its comments on it when discussing it under the relevant agenda item in the Third Committee.

Mr. Sinha (India): My delegation thanks the President of the Human Rights Council for forwarding the report of the Council (A/61/53). We convey our appreciation to him for steering the work of the Council in an effective and efficient manner. My delegation also conveys, through you, Madam, our full support to the President of the Council in his endeavours.

At the outset, we would like to express our satisfaction about the General Assembly decision on the consideration of the report of the Human Rights Council. As the Council is a subsidiary body of the Assembly, it is natural that all reports and recommendations of that Council be transmitted to the Assembly plenary through the Third Committee, where the expertise on human rights issues resides. However, we are conscious of the delays that may occur in consideration of the report if it were to be referred to the Third Committee in its totality, given the different schedules of the two bodies. We also recognize that the Human Rights Council began functioning in June 2006, and hence there is a need to adopt a flexible approach during the first year, and to formalize the reporting arrangements between the General Assembly and the Human Rights Council based on our experience over the next year.

The creation of the new Human Rights Council by the General Assembly reflects the collective resolve and commitment of the Member States to constantly adjust and improve the framework for addressing human rights challenges. It remains our expectation that in its work the new body will be guided by the spirit of cooperation and mutual understanding. We hope that the Council will evolve an even-handed approach in its promotion and protection of all human rights and translate the right to development into a reality. It should promote human rights through international cooperation and genuine dialogue among Member States, including capacity-building and mutual assistance, and emerge as a forum for voluntary participation and the sharing of national experiences and best practices in the promotion and protection of all human rights and fundamental freedoms.

The General Assembly resolution establishing the Council defined the broad parameters of the Council's architecture. It also mandated the Council to develop the modalities of its new mechanisms within one year. The Council is also required to improve and rationalize all mandates, mechanisms, functions and responsibilities of the former Commission on Human Rights.

The Human Rights Council has so far held two regular and two special sessions. As we note from the report, the Council has set up two intergovernmental working groups to devise a universal periodic review mechanism and to undertake the review and rationalization of mandates and mechanisms of the former Commission on Human Rights. Meanwhile, the Council has taken interim decisions to facilitate the uninterrupted functioning of the existing mandates during the transitional period. The Council also took action on substantive human rights issues, most

notably its recommendation to the General Assembly on the adoption of the draft Declaration on the Rights of Indigenous Peoples and the draft International Convention for the Protection of All Persons from Enforced Disappearance.

We note with satisfaction that the mandate of the Working Group on the Right to Development has been extended by one year. Further, by holding two special sessions, the Human Rights Council has demonstrated its ability to swiftly react to human rights emergencies. We remain conscious of the enormous challenges ahead of the Council in defining and operationalizing its architecture. Some progress in this regard has already been made within the framework of informal meetings of the two working groups. However, a lot remains to be done and therefore the focus of the Council's work during the remainder of the year should be on institution-building. The success of the Human Rights Council would, to a large extent, depend on the outcome of these processes.

India actively and constructively participated in the multilateral negotiations that led to the establishment of the new Human Rights Council. We remain committed to continue to work to make the Human Rights Council a strong, effective and efficient body capable of promoting and protecting human rights and fundamental freedoms for all.

Mr. Wenaweser (Liechtenstein): We welcome the presentation today of the report of the Human Rights Council (A/61/53) by its President. The establishment of the Council was one of the crucial decisions in the follow-up to the 2005 World Summit. The sometimes overwrought criticism of the Commission on Human Rights, its predecessor, created the need for setting the human rights discourse on a new basis. The Council offers the opportunity we all had been looking for to focus work of the United Nations on the implementation of human rights standards, on engaging in a genuine dialogue and on a better division of work between Geneva and New York.

The report before us is clearly structured and makes a welcome distinction between recommendations to the General Assembly and decisions taken by the Council. This format reflects the letter and the spirit of resolution 60/251 in that the Council has, of course, the competence to make autonomous decisions and, at the same time, make recommendations to the General Assembly as the universal body which continues to have competence in the field of human rights. The resolution establishing the Council makes specific reference, in this context, to recommendations for the further development of international law in the field of human rights, and the two recommendations contained in the report have therefore been forwarded to the Third Committee for action.

On 26 October, as the President described earlier, the General Assembly decided on a division of work between the plenary of the General Assembly and the Third Committee. We expect that this arrangement, reached after lengthy negotiations in the General Committee, will be honoured by all parties until its possible review at future sessions.

The Council has held only two regular sessions — the second of which has not yet concluded — and two special sessions. It has thus not gone through a full reporting cycle, and any pronouncement on the substance of its work must be preliminary. However, we note that the opportunity that the establishment of the Council offers has not been made use of to the fullest extent. It must be said in particular that the spirit of dialogue, which was the guiding principle in setting up the Council, has not been applied in practice in a satisfactory manner.

This situation was particularly damaging in connection with the second special session, where the Council first remained inactive for a considerable period of time and then was rushed to the adoption of a resolution that was barely consulted on and therefore passed by a strongly divided vote.

In general terms, it is fair to say that the Council has not been off to an easy start. It is understood that the first year of this new body should focus on institution-building and that the transitional phase the human rights work is going through will necessarily lead to more limited results on issues of substance. However, areas where substantive action is needed must still be forthcoming; results should be sought on the basis of consultations that go beyond regions and interest groups and with the full involvement of States that are not members of the Council.

One of the new features of the Council that differ from the Commission is the special responsibility conferred on the members of the Council for upholding the highest standards in the promotion and protection of human rights. This special responsibility does not

entail, however, the exclusion of States that are not serving as members. Resolution 60/251 in fact states quite the opposite, and the discussions in Geneva have illustrated clearly that the quality of the Council's work would benefit from stronger involvement of States that do not serve as members.

While there was much enthusiasm about the fresh start for the human rights work of the United Nations, there have not been enough concrete ideas about how to shape this fresh start. We commend the President of the Council for the initiatives he has taken in this respect, but we also believe that States must come forward themselves with innovative approaches that are in keeping with resolution 60/251.

On several occasions, the temptation to slip back into the well-known patterns of the Commission — and sometimes even worse patterns of behaviour — was too strong to resist for many. This trend must be reversed and it must be reversed soon. Like any new body, the Council must be given a grace period and have the opportunity to organize its work and proceedings in a circumspect and undisturbed manner. But this grace period is quickly coming to an end, and the efforts to put the Council on a solid foundation are nowhere near conclusion.

It is therefore crucial that the close of the second session be prepared carefully and in a manner which leads to the adoption of a limited number of decisions dealing with matters of substance and matters of urgency. We should see to it that these decisions are made with the strongest possible political support.

The Council's third session could also make a number of substantive decisions on the basis of thorough preparation and wide consultations. In parallel, the necessary clarity should be created in the area of working methods, which should be guided by the principles of inclusion and dialogue. This approach will enable the Council to become a fully operational and fully functional body, in particular after decisions have been reached on the issues of universal periodic review and review of special procedures.

Mr. Berruga (Mexico) (*spoke in Spanish*): At the outset, my delegation would like to thank the President of the Human Rights Council, Ambassador Luis Alfonso de Alba, for having introduced this first report of the Human Rights Council and for the efforts he has shown in carrying out the Council's work during this stage of consolidation.

The establishment of the Human Rights Council constitutes the most important progress and updating of the institutional human rights multilateral framework in recent decades. With this decision of the General Assembly, we have strengthened human rights and placed this topic as one of the three major pillars of collective action by the international community today.

Mexico welcomes with satisfaction the progress made by the Council in the first months of its endeavours. We trust that, with the constructive spirit and renewal that led to its establishment, States will succeed in overcoming the inertia that in the past has had a negative impact on the work of the former Human Rights Commission.

Mexico welcomes the fact that the Council has taken the first steps in carrying out its important responsibilities by developing an international legal framework for human rights. The adoption and remittal to this General Assembly of the draft international instruments relating to forced disappearances and the rights of indigenous peoples is clear proof of the progress made by the Council in these areas. We hope to see progress as well in the development of other important instruments and standards under consideration by the Council.

On the other hand, the fact that the Council held two special sessions in the first months of its work indicates a difference in its way of analyzing emergency human rights situations, as compared with its predecessor, the Commission. In light of these important advances, it is important to acknowledge that, at this stage of formation, the Council is dealing with special challenges that demand innovative approaches in keeping with the high priority and responsibilities that the States have conferred upon it. More than ever before, we must show our political commitment to its work and to provide the Council with the necessary tools in order that it can carry out the mandate we gave to it barely a few months ago in this very Hall.

In this connection, Mexico renews its commitment to continue working constructively in the working group entrusted with the design of the modalities of the universal periodic review mechanism, which, we hope, will be able to lay the foundation to ensure full observance of human rights through cooperation, transparency and mutual respect.

Likewise, we attach the highest importance to the work started by the Council on the review of the mandates of special procedures. Not only should consistency be sought in the functioning of special procedures, but this exercise must have visible effects on the ground, guaranteeing access by our citizens to available international protection mechanisms and establishing a clear correlation between the recommendations adopted by the Council and their real implementation.

At this stage of transition and of institutional consolidation of the Council, one of the priority issues that we must consider is the establishment of a sound and clear relationship between the Third Committee and the Human Rights Council. We must do this so as not to put at risk the considerable progress we have achieved in both bodies. As we see it, the work of these two bodies is complementary, and thus it is most important for us to begin shortly a discussion on their mutual division of work in order to strengthen a well integrated interaction between them and avoid any unnecessary duplication of functions and initiatives that can be detrimental to the work of both bodies.

The success of the Human Rights Council bears a strict proportion to the trust that the Member States place in it. We must not forget that the establishment of the Council came in response to the commitment of us all to enhance the human rights mechanism of the United Nations in order to ensure that all persons enjoy all human rights, as set forth in the twelfth preambular paragraph of resolution 60/251.

Let us make sure that this commitment is translated into tangible actions, thus enabling the Human Rights Council to carry out the ambitious agenda we have given it, so as to be equal to the demands of the international community of the United Nations in this very delicate matter.

Mr. Rachkov (Belarus) (*spoke in Russian*): My delegation welcomes the report of the Human Rights Council and expresses its gratitude to Ambassador de Alba for his work as President.

We also feel that the report should be considered first by the experts in the Third Committee and then in the plenary of the General Assembly.

At this time, the Human Rights Council is going through an important and predetermining phase as it becomes the fundamental human rights organ of the United Nations. The results of the first session and the two special sessions confirmed the correctness of the General Assembly decision to establish this United Nations body. Important decisions were adopted to establish an intergovernmental open-ended working group to develop the modalities of the universal periodic review mechanism and also to analyze and rationalize the mandates and mechanisms of the special procedures. These decisions make it possible for us to assess critically the inheritance left to us by the Human Rights Commission, to keep what is good and to discard the negative experiences of the Commission.

By adopting United Nations resolution 60/251 on the creation of the Human Rights Council, we confirmed our determination to ensure universality, objectivity and non-selectivity in considering human rights questions and also the need to eliminate double standards and politicization. The universal periodic review will allow systematic study of the human rights situation in all countries and to assess those situations on the basis of unified criteria. Such an approach must exclude politicization of human rights issues and should serve as the basis for constructive dialogue on questions of the observance of human rights.

During the planned review and rationalization of all of the mandates and mechanisms in the transition from the Committee to the Council, we intend to speak in favour of keeping and, where necessary, strengthening the special procedures. However, this support will be given only to those procedures that were not created for political reasons and have not compromised the Council by exceeding the powers contained in the mandate. The Council must take firm decisions on not adopting mandates like those that politicized and discredited the Human Rights Commission and led to the failure of its work. The negative experience of the politicization of human rights issues by individual countries and the application of double standards to exert pressure on other States should be left in the past. This relates in particular to resolutions and procedures relating to specific countries. In this respect, we note with satisfaction that the Council has not eliminated the country mechanisms, but will use them only when truly necessary.

However, can we confirm that the politicization of the mechanisms for the protection of human rights is in the past? Unfortunately, the answer is no, and this has been said before. It is generally recognized that

today no country must escape criticism in the area of human rights. Human rights is a very sensitive issue for the majority of States. Unfortunately, some countries frequently use this factor within international organizations to pursue their own political interests. Having failed to achieve their goals in the Commission on Human Rights, such States continue to manipulate human rights issues and to introduce politically motivated draft resolutions on specific countries in the Third Committee, thus dragging the international community into bilateral relations. These Third Committee draft resolutions threaten the future and destroy the trust of the international community.

When we carry out reviews, we need to ensure that they are comprehensive and that they relate equally to all countries. In the context of elaborating the working methods of the Human Rights Council, we believe that before concluding the process of determining the form of the periodic reviews and rationalizing the special procedures it would be useful to call a moratorium on all such country-specific draft resolutions in the Third Committee.

We call on the States Members of the United Nations to support our delegation's position relating to country-specific resolutions, including by refusing to lend support to the sponsors of politically motivated draft resolutions on human rights in Belarus.

Mr. Soler Torrijos (Panama) (*spoke in Spanish*): Let my first words be to express our thanks for the submission of the first report of the Human Rights Council to the General Assembly (A/61/53) and to congratulate its President, Ambassador Luis Alfonso de Alba, on his endeavours. The task of building up the Council is in his hands, and we are convinced that under his leadership the Council will continue to become stronger as the most appropriate arena for promoting the work of the United Nations in favour of the cause of human rights throughout the world. For us, it is also fundamental to highlight the work done by the Office of the United Nations High Commissioner for Human Rights in providing significant support for the smooth transition from the Commission to the Council.

With the adoption of General Assembly resolution 60/251, which established the Human Rights Council, the Council's foundations were laid and a number of principles to guide its functioning were established. The Council must now carry out the enormous work of giving these principles greater content and solidity. Like other delegations, we would have liked this process to move forward more rapidly. However, we are aware that the Council has before it decisions which require a greater level of attention. We do not lose sight of the fact that the Council has made significant achievements since it began its operations, including the adoption of the International Convention for the Protection of All Persons from Enforced Disappearances and the United Nations Declaration on the Rights of Indigenous Peoples and the holding of two special sessions to deal with urgent violations of human rights.

It is true that an important part of the work of the Council has been devoted to a large number of procedural issues. In this context, we are grateful for the support of the Office of the United Nations High Commissioner for Human Rights in this area, particularly with regard to the modalities of the universal periodic review. As we see it, this mechanism, like that of the special procedures, will be fundamental in the work of the United Nations to promote the protection and promotion of all human rights: civil, political, economic, social and cultural rights, as well as the right to development.

There is a great deal of work still to be done here. Proof of the Council's efficiency in carrying out its mandates will be in the creation of this universal periodic review mechanism and in its capacity to correct the problems of selectivity and excessive politicization in analysing the situation of human rights in countries.

The Human Rights Council still has several important decisions ahead. More than a single fortunate initiative, what is at stake is the very effectiveness of the United Nations to fulfil the principles and purposes of the Charter, the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action with regard to the promotion and protection of human rights throughout the world.

We take this opportunity to express our opinion on the division of labour which should exist between the Third Committee and the Human Rights Council. The work of evaluation and follow-up of the situation of human rights in specific countries is a task for the Human Rights Council, whose issues should be addressed through mechanisms and special procedures for that purpose. We believe that the General

Assembly's Third Committee is appropriate only to adopt general expressions that indicate the international community's feelings on such topics. In any case, detailed study on human rights situations and recommendations to deal with them are tasks for the Human Rights Council, a body which we have empowered to that end. We urge all delegations to turn to the Human Rights Council for specific evaluations and follow-up of emergency situations which affect human rights in any part of the planet.

We have been attentively following the process of building up the Council. Our country, which was born linked to international activity, and which during its history suffered both the consequences of the loss of human rights and the benefits of their recovery, remains committed to the strengthening of human rights throughout the world, and in particular the strengthening and consolidation of the United Nations human rights machinery.

Mr. Reyes Rodríguez (Cuba) (*spoke in Spanish*): The Cuban delegation has prepared a formal speech for this debate. We will give it this afternoon when the Third Committee has an opportunity to consider the report of the Human Rights Council (A/61/53) and to hear the views of delegations on this issue. Nonetheless, in cooperation with you, Madam, as you carry out your mandate as President, and above all because of our respect for the presentation made by the President of the Council, we have agreed to have this debate this morning.

In reality, we believe this is a negative precedent for our future work and for the General Assembly's oversight of the work of the Human Rights Council. This debate should never have taken place before the Third Committee had an opportunity to listen, study and consider the report of the Human Rights Council. Clearly, Cuba uses every opportunity and every arena to set out its views in this area which, unfortunately, is one of the main issues on the United Nations agenda.

Thus, in a sort of brainstorming session, we are going to share some of our views and concerns on the future work of the Human Rights Council.

First of all, I would like to join other delegations that have spoken this morning in expressing our sincere gratitude for the efforts and skilful guidance of Ambassador Luis Alfonso de Alba at the helm of the Human Rights Council.

We disagree with delegations that have expressed great concern about what they believe was a disaster in Geneva. Cuba believes that this is a rather complex process. Moving ahead hastily and taking risks could therefore lead to a repetition of the mistakes that led to the failure and eventual demise of the Human Rights Commission. We believe that the key factor that led to the establishment of the Council was precisely the need to put an end to the political manipulation of the work of the United Nations human rights machinery. I think that we would contribute little to the promotion of human rights for all — which, after all, is our main goal — if we were to repeat those unsavoury practices.

In that connection, we share the opinion of the delegation of Egypt that there is a need to give significant priority to addressing violations of human rights wherever they occur in the world. I would like to emphasize that we are of course not referring to the situation in Palestine or violations of human rights in the Middle East. Cuba reaffirms its resolute support for maintaining the issue of Palestine on agenda of the Human Rights Council. The fact that it has been necessary to convene three extraordinary sessions of the Human Rights Council to consider the situation in Palestine has not been because the Council has manipulated the issue or given it selective treatment. Regrettably, it has been because of the grave violations of human rights that are taking place in that part of the world, which are affecting the lives of thousands of women, children, older persons and other members of the brotherly people of Palestine.

However, we think that is very important, and we believe that one of the first issues to be resolved in the Council's work is the need to establish clear-cut procedures for the adoption of country-specific resolutions. We believe that when the Commission on Human Rights decided to take up the practice of adopting country-specific resolutions it did so essentially to address serious, massive and systematic violations of human rights. Specifically that pertained to extrajudicial executions, wide-scale torture and mass and arbitrary deportations. Unfortunately, the Human Rights Commission in recent years adopted resolutions aimed at questioning the constitutional order in certain countries. That is the sort of practice that must be stopped. That is the sort of interference in the internal affairs of States — including in particular those that question the right of peoples to self-determination — that the Council cannot afford to repeat.

Another basic issue that we believe must be addressed is the need to clearly define the subordinate role of the Human Rights Council to the various working bodies of the General Assembly. Allow me to repeat that, as far as Cuba and many other delegations are concerned, the Third Committee should be the first body — and, subsequently, the plenary of the General Assembly — to take a decision on the report of the Human Rights Council. We shall continue our efforts and demand that that understanding, which we believed had already been agreed, is duly implemented.

Another of Cuba's key concerns has to do with the need to find a satisfactory solution to the work done by the two bodies created by the Human Rights Council to implement resolution 60/251. I refer basically to the working group charged with establishing the modalities for the universal periodic review mechanism and the working group established to implement paragraph 6 of resolution 60/251 — the latter being the group mandated with rationalizing and reviewing the work, mandates and mechanisms inherited from the former Commission on Human Rights. Cuba believes that those two groups must work in tandem.

We would like to raise an alarm about the possibility that a group of countries may attempt to make progress on just one track, thereby blocking or impeding the implementation of the mandate to review and rationalize the mechanisms. I should point out that we are not making that warning out of delusion or unfounded concern. It should be recalled that after the Vienna World Conference on Human Rights, the General Assembly, and basically its Third Committee, created a working group on the implementation of paragraphs 17 and 18 of the Vienna Declaration. A group of countries, of which Cuba was part, demonstrated flexibility, making it possible to make progress in setting up the post of United Nations High Commissioner for Human Rights while leaving paragraph 17 pending — a situation that continues today. It will therefore be a priority for Cuba that both groups work in tandem and that they fulfil their mandates simultaneously.

Another issue we would like to share with the Assembly has to do with the need to establish an agenda for the Human Rights Council. By that we do not mean the provisional agenda that has been utilized in the Council sessions to date. We are referring to a thematic agenda — which will clearly have to include the issue of Palestine — that will make it possible for delegations to truly be prepared for substantive Council debates. At the Council's third session, Cuba, along with a group of delegations, will make a major effort to work on this issue.

Mr. Majoor (Netherlands), Vice-President, took the Chair.

Another concern of the Cuban delegation pertains to the need, as the Council consolidates itself, for it to clearly define its working methods and procedures. I mention this because resolution 60/251 is very clear in indicating that the rules of procedure of the General Assembly are the fundamental basis for the work of the Human Rights Council. Let me say, however, that the delegation of Cuba has felt that a group of delegations is questioning the validity of the rules of the General Assembly for the work of the Human Rights Council. In so doing they are seeking to avoid the use of points of order, procedural motions and other established and accepted practices in the Assembly's rules of procedure.

In conclusion, allow me to say that this great undertaking cannot succeed if we do not achieve progress with regard to the issue of equitable geographic composition of the Office of the United Nations High Commissioner for Human Rights. Cuba recently circulated a draft resolution that enjoys significant co-sponsorship and is designed to move ahead so that the General Assembly can pronounce on the need to achieve equitable geographic representation. This is not a second-tier issue. Let me say that, as the Assembly is aware, the Office, its staff and experts are precisely the ones who prepare reports and documents and provide all the substantive support for the Council's work. We can achieve the objective of a Council that is truly universal, representative of every region of the world and reflective of all the world's religions, as well as a Council that takes into account our cultural diversity and points of view as it seeks to provide full human rights for all, only when we also achieve the goal of improving the composition of the membership of the Office.

Lastly, I wish to reiterate Cuba's support for the efforts of the President of the Human Rights Council. We will work with all truly interested delegations that wish to ensure that the Council is the sort of body our peoples need to make progress in ensuring full human rights for all. We will not allow the Human Rights

Council to become a new inquisition tribunal to be used against the countries of the South, or to repeat the political manipulation of the Council's work, which so adversely affected the work of the Commission on Human Rights.

Mr. Normandin (Canada) (*spoke in French*): At the outset, I would like to express our sincere gratitude to the President of the Human Rights Council for all the work he has done, as well as for his introduction of the Council's report (A/61/53) this morning.

The adoption on 15 March of resolution 60/251, which established the Human Rights Council as a subsidiary organ of the General Assembly, was a historic opportunity to renew and reinforce our collective efforts to fulfil our common purpose under the Charter as Member States to promote and encourage respect for human rights. The establishment of the Human Rights Council was a significant milestone in making human rights, along with security and development, one of the three pillars of the work of the United Nations, as agreed by our leaders at the 2005 Summit. In the words of Secretary-General Kofi Annan, "we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights" (*A/59/2005, para. 17*).

Resolution 60/251 established a strong foundation and set out great responsibilities for this new organ. The Council's first responsibility is to promote universal respect for the protection of human rights and fundamental freedoms, without distinction of any kind and in a fair and balanced manner. The Council is also responsible for addressing situations of violations of human rights, including gross and systematic violations, and for drafting recommendations in that regard. We have taken note of the fact that the General Assembly has indicated that the Council's work should be guided by the principles of universality, impartiality, objectivity, non-selectivity, constructive international dialogue and cooperation. We must not fail to fulfil those responsibilities, for if we do we will fail all those around the world who have placed their hopes for better lives in larger freedom in this new organ.

Canada was honoured to be elected by the Assembly as a member of the Council. In announcing its candidacy for the Council, Canada made a pledge to work for an effective Council and to continue to cooperate with its mechanisms and with the Office of the United Nations High Commissioner for Human Rights. Canada intends to honour its pledge. All members of the Council and all States Members of the United Nations have a duty to cooperate with the Council and its mechanisms.

In resolution 60/251, the General Assembly decided that the Human Rights Council should submit an annual report to it. The report that has been presented to us today covers the Council's first session as well as its first and second special sessions. The Council made significant achievements at its first session, in particular the adoption by consensus of a new Convention that will strengthen protections against enforced disappearance, which are a grave human rights violation that continue to be perpetrated around the world. Canada was pleased to be able to participate in a dialogue with the High Commissioner for Human Rights following the Council's first session. We reiterate our support for the High Commissioner and underscore the independence of his functions.

The Council also established by consensus two working groups. One will carry out the important task of determining the modalities of the universal periodic review, a process that will promote the implementation by all States of their obligations, and the other will focus on the review and strengthening of the mandates of the former Commission on Human Rights. During this year of transition, the Council should focus on establishing strong institutions while at the same time fulfilling its mandate to promote respect for human rights. That is a difficult but crucial task.

Nevertheless, it was disappointing that at the Council's first session some States chose to pursue the path of divisiveness rather than the more constructive path of international dialogue and cooperation that the Assembly called for in resolution 60/251. We regret the adoption by the Council of some instruments and decisions by a vote, where more dialogue could have led to broader agreement and greater impact on the ground.

The Council is not an end in itself, but a means to an end. The Council provides an opportunity to show that a focus on implementation, dialogue and cooperation can produce measurable improvements with regard to human rights where it matters most, namely, on the ground. We must build on the foundation of resolution 60/251 to ensure that the

Council is truly effective in protecting human rights and that it makes a positive difference in the lives of people around the world. Canada has always been a proponent of multilateralism — but effective multilateralism that favours results over processes.

The challenges are huge, because establishing and strengthening institutions requires a great deal of time, creativity and commitment. All States Members of the United Nations must reaffirm their commitment to seize the opportunity provided by resolution 60/251 by fulfilling the Council's responsibility to promote respect for human rights for all. Canada will work to ensure that the Council is able to respond to urgent human rights situations and that it maintains a focus on the implementation of the rights that belong to everyone.

Mr. Maurer (Switzerland) (*spoke in French*): We would like to thank the President of the Human Rights Council for his report (A/61/53) on the Council's initial work. We would also like to thank him personally for his tireless endeavours as President of the Council.

Switzerland welcomes the 26 October 2006 decision of the General Assembly regarding the allocation of agenda item 68, entitled "Report of the Human Rights Council". My delegation supports the compromise through which this year's report of the Council will be taken up both in plenary meeting and in the Third Committee, on the understanding that the Committee will focus solely on the recommendations of the Human Rights Council to the General Assembly, including recommendations aimed at the development of international human rights law. We favour such a distribution of work and believe that this compromise is valid this year because the Human Rights Council did not begin its work until June 2006.

The Human Rights Council constitutes one of the major reforms of the Organization. It is a decisive step towards the promotion and the protection of human rights that reflects our collective determination to place the three pillars of the United Nations — security, development and human rights — on the same level. However, we would like to emphasize that this is only one phase, for real reform to promote and protect human rights will entail fully implementing resolution 60/251, which established the Human Rights Council.

We began that implementation by inaugurating the Human Right Council at Geneva on 19 June 2006, a new United Nations body that Switzerland is proud to host. Above all, we launched the hope that henceforth victims of human rights violations will be able to benefit from increased protection and that the more ambitious goal of preventing such violations could be achieved. We must ensure that that hope is translated into reality, for the sake of the credibility of the United Nations.

The first sessions of the Human Rights Council — the regular and special sessions alike — have illustrated that the Council provides us with an adequate tool to achieve the goal we have set for ourselves. The regular sessions were able to address both questions of substance and those pertaining to the consolidation of the Commission itself. In particular, we welcome the substantial interactive dialogue that took place during the second regular session between States, civil society and the High Commissioner for Human Rights, dealing with the special procedures by theme and by country.

The holding of the two special sessions on the situation in the Gaza Strip and in Lebanon also demonstrated that the Council has the capacity to intervene promptly in the event of a human rights emergency, in accordance with its mandate. There is, of course, room for improvement, especially as regards how draft resolutions are introduced and adopted. Let us recall that the culture of dialogue that all Members of the United Nations desire must be strengthened. Members of the Council must in the future demonstrate their willingness to negotiate. It is crucial that the Member States of the Council adopt a more coherent approach that is more in line with the commitments they undertook voluntarily regarding the Council. Moreover, the human rights situations in other contexts and parts of the world also merit specific and detailed examination.

At this stage, the Council is still an instrument whose use is a sensitive matter. We should all demonstrate an open and constructive spirit in order to further strengthen this new body. The Council has the potential to strengthen and to improve the United Nations human rights system — if resolution 60/251 is fully implemented — through the potential for cooperation in this new body, the innovation of the universal periodic review process and by an increase in the number of sessions, which will make possible more sustained commitment throughout the year.

The months that remain until the end of June 2007, when the Council's first year will conclude, should enable us to put in place a universal periodic review mechanism and to revise and adapt the mandates transferred from the Commission on Human Rights. Such institutional consolidation is a priority. At the same time, it will be crucial to demonstrate that the Council can respond appropriately and effectively to situations in which human rights are violated.

The tasks awaiting us in Geneva are therefore substantial, but they are not insurmountable. It will also be important to determine the relationship and distribution of tasks between the Third Committee and the Human Rights Council. That matter is currently pending, but will require the attention and commitment of all the actors concerned in the capitals, in Geneva and in New York.

In conclusion, if we can set partisan and ideological differences aside in order to focus on the interests of victims, we will succeed. Those interests take precedence, and must always take precedence, because it is on that criterion alone that the Human Rights Council and the United Nations will ultimately be judged.

Ms. Martina (Ukraine): It is an honour to participate in the discussion of the first report (A/61/53) of the Human Rights Council to the General Assembly.

The establishment of the Council and the beginning of its functioning launched a new era in our efforts to achieve universal promotion and protection of human rights. It also marked a significant step towards the implementation of commitments made at the World Summit in 2005.

We welcome the report of the Council, which was introduced by the Council's President, Ambassador de Alba. It is important that the efforts of the Council's members at the first session were aimed at ensuring the effective functioning of this universal human rights body and, in particular, at fully employing the potential available in all of the Commission's valuable assets and not allowing them to be lost during the transition process. In that regard, we welcome the Council's decision to extend all of the Commission's mandates, mechanisms, functions and responsibilities, which should be further strengthened and become useful instruments for the Council. We also appreciate the Council's adoption of the draft International Convention for the Protection of All Persons from Enforced Disappearance. We would like to express our full support for its adoption by the General Assembly.

Ukraine has always supported the elaboration of an international instrument for the effective protection and promotion of the rights of indigenous peoples. Unfortunately, owing to the procedure used for the introduction of proposals for adoption by the Council, the Declaration on the Rights of Indigenous Peoples, while containing very useful provisions aimed at protecting the rights of indigenous peoples, contained some fundamental flaws and did not enjoy consensus in the Council.

A huge amount of work remains to be done in order to make the Council work without confrontation and avoiding the selective, politicized and double-standard approaches, for which the Commission was widely criticized in the past. Constructive dialogue and cooperation should be the basis for the Council's efforts to improve the record of States in the area of human rights. We see that task as having been the primary aim of the reform from the very outset.

We are, therefore, convinced that it is important to establish a productive universal periodic review mechanism that is based on clear-cut criteria applicable to all countries without exception and aimed at providing specific conclusions and actionable recommendations. We welcome the fact that the Council has begun this important work and hope that that task will be completed by the end of the Council's first year of work.

While improving existing United Nations mechanisms and developing new approaches to the protection and promotion of human rights, the Council should also pay special attention to the development of prevention mechanisms. It should speak out clearly and in a timely manner against emerging situations that might bring about gross violations of human rights.

We also believe that the Council must develop mechanisms to establish interaction and cooperation with regional and subregional organizations. Indeed, while there are organizations with great experience in human rights issues, there are also subregional entities that could also contribute to, and gain from, cooperation with the Council. Among them are the Ukrainian-Georgian joint initiative known as the Community of Democratic Choice and the Organization for Democracy and Economic

Development, which see as one of their main objectives the goal of intensifying cooperation in the fields of democracy, human rights and the rule of law.

As a member of the Council, Ukraine will make every effort to ensure that the Human Rights Council fulfils its mandate responsibly and effectively, thereby improving the effectiveness of United Nations mechanisms in the areas of protecting and promoting human rights throughout the world.

Mr. Saeed (Sudan) (*spoke in Arabic*): Allow me at the outset to welcome the President of the Human Rights Council, Ambassador De Alba, and thank him for introducing his report to the General Assembly. We are grateful for his efforts and those of all the members of the Council.

The Sudan will make a detailed statement on the report, complete with recommendations and observations, when it is debated under agenda item 68 in the Third Committee this afternoon.

The Sudan participated actively and in a spirit of purposeful, constructive dialogue in the lengthy consultations that culminated in the establishment of the Human Rights Council and the adoption by the General Assembly of resolution 60/251 on 15 March. The Council was created within the framework of reforming and reinvigorating the Organization in order to dispel the stagnation that has characterized it over the past 60 years and made it unable to express and reflect the new realities, facts and events of the international community.

The arguments put forward by the United States during the consultations were an extension of its unilateral attitude, arrogance and false pretensions to being the sole judge and jury in the field of human rights. The isolated and isolationist arguments made by the United States delegation were not accepted by the Members because they were clearly a politicized expression of selectivity and double standards. The General Assembly's decision to adopt the resolution on the Human Rights Council was strongly opposed by the United States because it did not correspond to that country's wishes and whims, whereby the Council would have become a pliable instrument to help the United States achieve its ambitions and carry out its schemes. Those whims and schemes were rejected through the exercise of the free will of the Member States, thereby defeating the United States exclusionary exercise, which was totally unacceptable to the international community.

During the consultations, the Member States had hoped that the Human Rights Council would be a framework for cooperation through dialogue and objectivity in order to avoid confrontation and the targeting of States of the South. That, of course, was unacceptable to the United States delegation, which chose the path of confrontation and the targeting of certain States.

If they had been made by a country that respects and consecrates human rights and has a clean or, at the very least, reasonable human rights record, the references to the human rights situation in the Sudan might have been found acceptable. We would have expressed our desire to convene a dialogue allowing us to exchange information and to seek to explain the reality of the situation in the Sudan and Darfur. However, because they were made by the United States — the world's worst violator of human rights — those references were amazing and ridiculous.

All are aware of the enormity of the gross human rights violations in the United States. The scandals of Guantánamo, Abu Ghraib, the clandestine prisons, and laws that violate the liberties, freedoms and privacy of American citizens through surveillance and other means are there for all to see. Our memory is fresh of the United States shameful support for the apartheid regime of South Africa. The story of United States human rights violations is not new, but history repeats itself every day and at every moment.

We call on the United States to address its human rights situation at home before it uses and abuses human rights forums to settle political scores and to achieve its narrow objectives and interests. We hope that the Human Rights Council will be a reflection of the approach favouring dialogue, cooperation and objectivity, and not that of the confrontation and selectivity that led us to reconsider the circumstances of the former Commission on Human Rights and to establish the new Council.

The Sudan reaffirms its commitment to working with the international community for the promotion and protection of human rights through mechanisms of cooperation, dialogue and capacity-building based on impartiality, objectivity and the absence of politicization, selectivity and double standards.

Mr. Badji (Senegal) (*spoke in French*): My delegation warmly congratulates the President and all the members of the Human Rights Council for the important work they have done this year, as reflected in the report submitted for our attention.

The General Assembly's consideration of the first report of the Human Rights Council, less than a year after its establishment, is an historic moment allowing us to focus on the functioning, effectiveness and efficiency of that body. It is certainly premature to take stock or even to make an exhaustive assessment of the work of the Council, which is still in its first year of functioning. However, given the conditions that prevailed at its establishment, we need to be attentive to its first steps.

My delegation feels it wise to recall that it was to preserve and consolidate the achievements of the former Commission on Human Rights and, above all, to mitigate its shortcomings that we decided unanimously on 3 April to create a body capable of ensuring the universal, objective and non-selective consideration of human rights matters.

Now that the Council has been up and running for a few months, it is time to welcome the climate in which its work has been undertaken at its several sessions, as well as the spirit of cooperation and dialogue displayed by member States. Particular attention was paid to making the Council's working methods more transparent and inclusive, thereby guaranteeing justice, equity and the full participation of all actors. During this transitional period and beyond, such an environment and adequate resources are essential if that body is to meet the expectations that led to its creation.

Returning to the report, my country welcomes the adoption of certain resolutions and decisions that will have a broad impact on the entire international community, such as that relating to the International Convention for the Protection of All Persons from Enforced Disappearance. We invite the General Assembly to adopt this international instrument which strengthens the system of protection of human rights.

As regards the United Nations Declaration on the Rights of Indigenous Peoples, my delegation feels that, although this is an extremely important text, it is essential that we expand and deepen consultations on this subject so as to fill in any possible gaps and achieve the broadest possible consensus.

Here, I should also like to encourage the working group concerned with devising the modalities for the procedure for the universal periodic review of the protection and promotion of human rights in all countries, a mechanism that will be important, impartial and fair.

In this same context, we should also welcome the adoption at the two special sessions of the Human Rights Council of resolutions on the urgent humanitarian situation in Palestine and in Lebanon, which is still at the forefront of our attention.

We share the conviction that the respect and promotion of all human rights without distinction, including the right to development, is one of the main guarantees of peace and stability at the national and international levels. That is why we must ensure that we denounce and, if necessary, take appropriate measures to deal with all forms of violations of human rights, without prejudice and with full objectivity.

Our fight should also lead to encouraging all countries to become party to and to conform with pertinent international instruments relating to the respect and protection of human rights.

Senegal, reaffirming its devotion to the respect of human rights, once again welcomes the establishment of the Human Rights Council and undertakes to spare no effort to enable it to discharge its mission successfully in accordance with its statement of commitment.

The Acting President: We have heard the last speaker in the debate on this item. The Assembly has thus concluded this stage of its consideration of agenda item 68.

Organization of work

[*The President in the Chair.*]

The President: I should like to consult members regarding the extension of the work of the Sixth Committee.

Members will recall that at its second plenary on 13 September 2006, the General Assembly approved the recommendation of the General Committee that the Sixth Committee would complete its work by Thursday, 9 November 2006. However, I have been informed by the Chairman of the Sixth Committee that the Committee has not been able to conclude its work by Thursday, 9 November, and would need an additional meeting on 15 or 16 November 2006, depending on the availability of conference services.

May I therefore take it that the General Assembly agrees to extend the work of the Sixth Committee for one additional meeting?

It was so decided.

The meeting rose at 12.30 p.m.